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### REMARKS

Claims 1-2, 5-9, 12-16, 19-23 and 26-36 are pending in the present application. Claims 3-4, 10-11, 17-18 and 24-25 are canceled. Claims 1-2, 8-9, 15-16 and 22-23 are amended and claims 29-36 are added. Support for the amendments to claims 1, 8, 15 and 22 may be found at least on page 10, line 17, through page 12, line 5 of the present specification. Additionally, claim 15 is amended for clarification. Claims 2, 9, 16 and 23 are amended to incorporate the content of canceled claims 3, 10, 17 and 24, respectively. Support for the new claims 29-36 may be found at least on page 12, line 21, through page 15, line 20 of the present specification. Reconsideration of the claims is respectfully requested.

#### **I. Telephone Interview**

Applicants thank Examiner Zoila Cabrera for the courtesies extended to Applicants' representative during the July 13, 2004 telephone interview. During the interview, Applicants' representative discussed the rejections and amendments of the independent claims. The substance of the telephone interview is summarized in the following remarks.

#### **II. 35 U.S.C. § 102, Alleged Anticipation Based on Tsuchida**

The Office Action rejects claims 1-28 under 35 U.S.C. § 102(e) as being allegedly anticipated by *Tsuchida et al.* (U.S. Patent Application Publication Number 2003/0177024 A1), hereinafter referred to as *Tsuchida*. This rejection is respectfully traversed.

As to independent claims 1, 8, 15 and 22, the Office Action states:

Claims 1, 8, 15 and 22 are so broad as to read in **Tsuchida** who discloses a method, a computer program product and a system for producing a drawing of components and connections needed to implement a desired system, comprising:

- receiving user needs of the desired system (Page 3, 0074 lines 1-5; Fig. 1, Electronic Drawing Data Dx, elements 11 and 12, supplier 12 receives Drawing Data from Customer 11); determining components and

connections needed to implement a system that satisfies the user needs (Page 7, 0120, lines 3-7); generating a drawing program input that provides instructions for producing a drawing of the system that satisfies the user needs (Fig. 28, S700 – S704; Page 8, paragraphs 0130 – 0131 and 0134); and sending the drawing program input to a drawing program (Page 8, 0141; Fig. 1, Electronic Drawing Data Dx and Electronic Drawing Data Dc).

Office Action dated May 3, 2004, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 8, 15 and 22 with regard to similarly recited subject matter, reads as follows:

1. A method for producing a drawing of components and connections needed to implement a desired system, the method comprising:

receiving user needs of the desired system, wherein the user needs describe specified capabilities and performance requirements of the desired system and do not provide schematic details for the desired system, and wherein the desired system is a computer network;

automatically determining components and connections needed to implement a system that satisfies the user needs based on the specified capabilities and performance requirements of the desired system and application of one or more system design rules to the specified capabilities and performance requirements of the desired system;

generating a drawing program input that provides instructions for producing a drawing of the system that satisfies the user needs using the determined components and connections to produce schematic details for the system; and

sending the drawing program input to a drawing program to generate a graphical output of the schematic details for the system.  
(emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that *Tsuchida* does not identically show every element of the claimed invention arranged as they are in the claims. Specifically, *Tsuchida* does not teach the

feature of receiving user needs of the desired system, wherein the user needs describe specified capabilities and performance requirements of the desired system and do not provide schematic details for the desired system, and wherein the desired system is a computer network. Additionally, *Tsuchida* does not teach automatically determining components and connections needed to implement a system that satisfies the user needs based on the specified capabilities and performance requirements of the desired system and application of one or more system design rules to the specified capabilities and performance requirements of the desired system.

*Tsuchida* is directed towards a method and apparatus that converts electronic drawing data prepared by an orderer into a format designated by a supplier. The supplier's machine tools perform sheet metal machining based on the converted electronic drawing data. The invention of *Tsuchida* discloses a method of proposing an optimum sheet metal machining equipment and tool based on the electronic drawing data specifying a sheet metal product. The existing machining equipment of the supplier is evaluated with regard to manufacturing the specified sheet metal product of the electronic drawing data and the optimum machining equipment is selected based on the evaluation.

*Tsuchida* does not teach receiving user needs of a desired system, wherein user needs describe specified capabilities and performance requirements of the desired system and do not provide schematic details for the desired system. Also, *Tsuchida* does not teach that the desired system is a computer network. Claims 1, 8, 15 and 22 recite that a user merely enters the capabilities and performance requirements for a desired system rather than providing a detailed schematic drawing of the desired system. In the claims of the present invention, a graphical output of the schematic details for a desired system is not an input, but generated as an output based on the user specified capabilities and performance requirements for the desired system. To the contrary, *Tsuchida* teaches that an orderer supplies a detailed schematic drawing of a sheet metal product in a CAD format and that this CAD drawing is converted into a format designated by a supplier. The CAD drawing from the orderer is not equivalent to the user needs as recited in claims 1, 8, 15 and 22. Thus, the present invention, as recited in claims 1, 8, 15 and 22 may be summarized as receiving capabilities and performance requirements as inputs to produce a computer network schematic and the *Tsuchida* system may be represented as receiving

a sheet metal product schematic as input to produce a reformatted sheet metal product schematic. These clearly are not the same.

In the rejection of the receiving step of claim 1, the Office Action refers to the following portion of *Tsuchida*:

(2) The supplier 12 accesses the file server 15 and receives therefrom the identifier (ID) of the orderer, the identifier of the electronic drawing data Dx and the like, which have been sent from the orderer 11 to his company (S2). FIG. 3 illustrates a computer screen example when the data is received.

*Tsuchida*, page 3, 0074, lines 1-5.

This portion of *Tsuchida* only teaches that a supplier receives electronic drawing data from an orderer. The electronic drawing data from the orderer includes a prepared drawing of a product manufactured from sheet metal. *Tsuchida* teaches receiving a detailed drawing of a sheet metal product previously designed by an orderer. To the contrary, the claims of the present invention recite receiving capabilities and performance requirements of a desired system, which indicate user needs for the desired system. These capabilities and performance requirements do not provide the schematic details for the desired system, but merely allow the user to enter requirements for a desired system. *Tsuchida* does not teach or suggest receiving user needs of the desired system, wherein the user needs describe specified capabilities and performance requirements of the desired system and do not provide schematic details for the desired system, as recited in claims 1, 8, 15 and 22. To the contrary, *Tsuchida* requires a schematic as input. Further, *Tsuchida*'s schematic is sheet metal product rather than a computer network as recited in claims 1, 8, 15 and 22.

Additionally, *Tsuchida* does not teach automatically determining components and connections needed to implement a system that satisfies the user needs based on the specified capabilities and performance requirements of the desired system and application of one or more system design rules to the specified capabilities and performance requirements of the desired system. In the claims of the present invention, components and connections that produce the schematic details of a system are automatically determined based on the user specified capabilities and performance requirements and application of system design rules. To the contrary, *Tsuchida* merely teaches selecting an

optimum machining machine from the machines owned by the supplier based on the schematic, which is supplied as input.

In the rejection of the determining step of claim 1, the Office Action refers to the following portion of *Tsuchida*:

FIG. 26 explains a process for proposing an optimum machining machine when manufacturing the sheet metal product (or sheet metal part) corresponding to the drawing 901 or 903 as client-specific information based on the data thereof.

*Tsuchida*, page 7, 0120, lines 3-7.

This portion of *Tsuchida* only teaches proposing an optimum machining machine for manufacturing the sheet metal product that is specified in the electronic drawing data received from the orderer. *Tsuchida* teaches selecting an optimum machine from the machines owned by the supplier. *Tsuchida* does not teach or suggest automatically determining components and connections needed to implement a system that satisfies the user needs based on the specified capabilities and performance requirements of the desired system and application of one or more system design rules to the specified capabilities and performance requirements of the desired system, as recited in claims 1, 8, 15 and 22. In other words, the claims of the present invention recite using the specified capabilities and performance requirements and system design rules to determine the components and connections needed to implement a computer network that satisfies the user needs for a desired system. The present invention does not operate on an already prepared schematic and simply reformat the schematic, as in *Tsuchida*.

In view of the above, Applicants respectfully submit that *Tsuchida* does not teach each and every feature of independent claims 1, 8, 15 and 22 as required under 35 U.S.C. § 102(e). At least by virtue of their dependency on claims 1, 8, 15 and 22, respectively, *Tsuchida* does not teach each and every feature of dependent claims 2, 5-7, 9, 12-14, 16, 19-21, 23 and 26-28. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-2, 5-9, 12-16, 19-23 and 26-28 under 35 U.S.C. § 102(e).

Furthermore, *Tsuchida* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Tsuchida* actually teaches away from the presently claimed invention because it teaches converting a drawing of a sheet metal product from one CAD format to a desired CAD format opposed to producing a

schematic drawing of a computer network by merely specifying the capabilities and requirements of a desired system as in the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement *Tsuchida* and producing a schematic drawing of a computer network by merely specifying the capabilities and requirements of a desired system, one of ordinary skill in the art would not be led to modify *Tsuchida* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Tsuchida* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

In addition, with regard to dependent claims 6, 13, 20 and 27, *Tsuchida* does not teach or suggest that the desired system is a system to implement web hosting. In the rejection of claims 6, 13, 20 and 27, the Office Action refers to the following portion of *Tsuchida*:

Moreover, there exists the file server 15 of an Internet service provider that mediates the transmission and receipt of the electronic drawing data (CAD data) among these. In this case, the above-described computers mount thereon Web browsers and mailers, which are accessible to the file server 15 of the Internet service provider.

*Tsuchida*, page 3, 0068, lines 1-6.

This portion of *Tsuchida* only teaches that a file server is used for exchanging electronic drawing data from an orderer to a supplier. *Tsuchida* does not teach or suggest producing a drawing of components and connection needed to implement a web hosting system. *Tsuchida* is directed to sheet metal manufacturing equipment and cannot be used to generate schematics of a web hosting system. Thus, *Tsuchida* does not teach or suggest that the desired system is a system to implement web hosting, as recited in claims 6, 13, 20 and 27. Therefore, in addition to being dependent on their respective independent claims, claims 6, 13, 20 and 27 are also distinguished over *Tsuchida* based on the specific features recited therein.

### III. New Claims 29-36

In addition to the above, *Tsuchida* does not teach the specific features recited in new dependent claims 29-36. Specifically, *Tsuchida* does not teach or suggest that the specified capabilities and performance requirements of the desired system comprise at least one of a computer network design type, customer information, geographic load balancing information, firewall configuration information, network connectivity information, server configuration information, application configuration information, database configuration information, data backup capacity information, load balancing information, and an environment type, as recited in claims 29, 31, 33 and 35. As discussed previously, *Tsuchida* teaches receiving a detailed drawing of a sheet metal product previously designed by an orderer. *Tsuchida* does not teach or suggest receiving user needs of a desired system, wherein the user needs describe specified capabilities and performance requirements as detailed in claims 29, 31, 33 and 35.

Additionally, *Tsuchida* does not teach or suggest determining an estimated cost to implement a computer network and presenting a budget and planning estimate to a user based on the estimated cost, as recited in claims 30, 32, 34 and 36. Thus, in addition to being dependent on independent claims 1, 8, 15 and 22, respectively, claims 29-36 are also distinguished over *Tsuchida* based on the specific features recited therein.



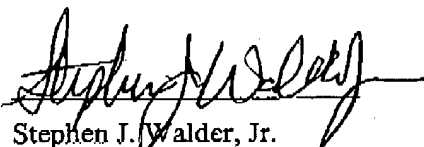
**IV. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE:

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